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General Motors Corporation Legal Staff, Mail Code 482-C23-B21 300 Renaissance Center P.O. Box 300 Detroit, MI 48265-3000			FIGUEROA, MARISOL	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/767,237	KAMDAR ET AL.
	Examiner Marisol Figueira	Art Unit 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 June 2007.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7,9-16 and 18-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-7,9-16 and 18-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 28 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/25/2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-7, 9-16, and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 11-16, and 18-19** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claimed term "computer readable medium" is considered to include the possibility of non-statutory matter. Absent an explicit disclosure to the contrary a "computer readable medium encoded with a computer program" is normally considered to define structural and functional interrelationships between the computer program and the computer software and hardware

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components which permit the computer's program functionality to be realized and is thus normally statutory.

Consequently, the claimed term "computer readable medium" is considered to include the possibility of non-statutory subject matter as compared to a "computer readable medium encoded with a computer program".

In order to overcome this rejection, it is respectfully requested to amend the claims to recite a "computer readable medium encoded with a computer program".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-8, 11-17, 19, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonnell et al. (US 2003/0208522 A1) in views of Fuchs et al. (US 2003/0139179 A1) and further in view of Dutta et al. (US 2002/0156921 A1).

Regarding claim 1, McDonnell discloses a method for wireless network data collection utilizing a telematics unit within a mobile vehicle communication system, the method comprising: detecting at least one wireless short-distance communication network identification signal (Abstract, lines 1-12; P.0028, lines 1-11; as a user moves along the coverage zone of the portals, e.g. business premises, his/her wireless device detects beacons signals from the portals that alert nearby compatible systems of their presence); generating wireless network information

based on the at least one detected wireless network identification signals (P.0028, lines 8-17); and communicating the generated wireless network information to a service provider (Abstract, lines 9-16; P.0022; P.0028, lines 13-20; programs in the wireless device forms an structured information (e.g. identity of the business, location of portal, and services available) into a message that transmits through the cellular subsystem to a database service system).

But, McDonnell fails to particularly disclose wherein the at least one wireless short distance network communication signal is detected at a vehicle system module which includes software and hardware components for operating, controlling or monitoring one or more vehicle systems, and the vehicle system module coupled to a vehicle communication bus.

However, Fuchs teaches a method that integrates personal communications devices with a telematics device that is coupled to a vehicle system (i.e., vehicle system module) since there is an increasing demand for wireless subscribers to have access to information at any time and at any place and also the subscribers have the desire to be able to control mechanical and electronic devices of a vehicle through their subscriber's personal wireless device (paragraphs [0001]-[0003]). The telematics device is coupled to and integrated with the vehicle such as a car, bus, train, aircraft and the like, furthermore, includes a processor for processing algorithms stored in the memory (paragraph [0019]) and is coupled to a vehicle electrical bus to communicate and exchange data with at least one vehicle system (i.e. door-locking, comfort features, etc.) for controlling, operating, or configuring, communication status of at least one vehicle system. Also comprises a first wireless interface for communicating over a WAN network and a second wireless interface for communicating over a WLAN network (paragraph [0024]), and couples

with a remote device (i.e. cellular phone, PDA, etc) and a communications node to integrate with a personal communications system (Fig. 1; paragraph [0018]).

Therefore, one of ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of McDonnell with the teachings of Fuchs for detecting and gathering information from beacons while a user is in a vehicle, since such a combination would provide the integration of personal wireless devices with a telematics and vehicle system so that the user can gather information about services at any time and at any place and furthermore, be able to control and monitor vehicle related features from their personal wireless devices (paragraphs [0001]-[0003]). Furthermore, one of ordinary skill in the art would recognize that the integration of the wireless device of McDonnell's invention with a vehicle would be advantageous, because the gathering of information at a vehicle wireless communication system would allow the user to travel to more geographical locations in a shorter amount of time (compared to walking), and collect more information from portals potentially resulting in more incentives for the user since the user gets rewarded by the amount of information collected and successfully entered to the database system (paragraph [0032]).

But, the combination of McDonnell and Fuchs does not expressly disclose wherein the generated wireless network information is communicated to the service provider in response to detecting a wireless network information upload trigger and initiating a wireless information transmission to the service provider responsive to the detected wireless information upload trigger.

However, transmitting information to the network in response to a network upload trigger is known in the art and Dutta is evidence of the fact.

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Dutta teaches a system for backing up data from a wireless device onto a server (i.e., service provider) via a network. The backup server responsive to a determination that data from a wireless device should be backed up, initiates a back up process. The backup process includes pushing a request or command to the wireless device instructing the wireless device to transmit/upload data (i.e., network information upload trigger), such as, for example, calendars, address lists, phone books, notepad data, or any other types of data that may stored on the wireless device, to be backed up to the backup server. Then, the server receives the data from the wireless device and stores the data on a storage device connected to the network. Note that it is inherent that the wireless device initiates the transmission of the requested data in response to receiving or detecting the request to back up data. This implementation provides for the backup or upload of data periodically or occasionally such as updates to data may be backed up routinely, furthermore, the backup process is performed without notification of or action on the part of the user and may be performed during times when the wireless device is idle, providing an effortless mechanism for protecting information (Abstract; paragraphs [0007], [0031], [0043], and [0054]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of communicating the generated information to the service provider in response to detecting a wireless information upload trigger and initiating a wireless information transmission to the service provider responsive to the detected wireless information upload trigger, as suggested by Dutta, since such a modification would provide the advantage of uploading the information to the network without

user intervention, and to upload updates of the information routinely when receiving the upload request or trigger.

Regarding claim 2, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 1, in addition McDonnell discloses wherein detecting the at least one wireless short-distance communication network identification signal comprises: receiving at least one wireless short-distance communication network identification signal (paragraph [0028] lines 1-11; the wireless communication device receives a presence signal from the portal, e.g. business premises); determining a unique device identifier associated with each received wireless short-distance communication network identification signal (paragraph [0028] lines 1-17; the mobile device request from the portal structured information, e.g. identity of the business); and storing the determined unique device identifier (paragraph [0030]).

Regarding claim 3, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 1, in addition McDonnell discloses wherein the wireless short-distance communication network identification signal includes information selected from the group consisting of: an internet protocol address, GPS location, a location identification tag, points of interest, venue capacity, venue size, and category (paragraph [0021] lines 1-6 and paragraph [0028] lines 10-17).

Regarding claim 4, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 1, in addition McDonnell discloses wherein generating the wireless network information comprises: associating a GPS coordinate with the detected wireless short-distance communication network identification signal (paragraph [0033], lines 1-9; the mobile device can determine its own location and associate it with the presence signal received from the portal, e.g.

business premises); and storing the wireless short-distance communication network identification signal and the associated GPS coordinate (paragraph [0030]).

Regarding claim 5, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 4, in addition McDonnell discloses wherein the GPS coordinate is based on the location of the telematics unit at the time of reception (P.0033, lines 3-9).

Regarding claim 6, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 4, in addition McDonnell discloses wherein the GPS coordinate is included within the at least one wireless short-distance communication network identification signal (paragraph [0028] lines 1-17; location of the portal is transmitted in a wireless short-distance signal to the mobile device).

Regarding claim 7, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 1, in addition McDonnell discloses wherein the at least one wireless short-distance communication network identification signal is selected from the group consisting of: radio frequency identification data, a short message service signal, an IEEE 802.11 standard compliant signal, and a Bluetooth compliant signal (paragraph [0020], lines 3-7).

Regarding claim 8, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 1, McDonnell discloses wherein communicating the generated wireless network information to a service provider comprises: detecting a wireless network information upload trigger; and initiating a wireless network information transmission to the service provider responsive to the detected wireless network information upload trigger (paragraph [0038] lines 1-6; the upload trigger is the detection of collected information or the detection of the termination of a period for collecting information from a number of portals).

Regarding claim 9, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 1, in addition Dutta discloses wherein detecting the wireless network information upload trigger comprises: receiving a wireless network information request; and processing the wireless network information request to identify the wireless network information upload trigger (paragraph [0054] lines 10-17; the wireless device receives the data backup request (i.e., network information request) and the wireless device executes the request to transmit the requested information to the server, additionally see remarks about claim 1, above).

Regarding claim 10, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 8, in addition McDonnell discloses further comprising: transmitting the wireless network information to a service provider (paragraph [0022] lines 5-9 and paragraph [0038] lines 1-6).

Regarding claim 11, McDonnell discloses a computer readable medium for operating a telematics unit within a mobile vehicle, comprising:

computer readable code for detecting at least one wireless short-distance communication network identification signal (Abstract, lines 1-12; paragraph [0028] lines 1-11; as a user moves along the coverage zone of the portals, e.g. business premises the detects beacons signals from the portal that alert nearby compatible systems of their presence);

computer readable code for generating wireless network information based on the at least one detected wireless network identification signals (paragraph [0028] lines 8-17); and

computer readable code for communicating the generated wireless network information to a service provider (Abstract, lines 9-16; paragraphs [0022] and paragraph [0028] lines 13-20; the programs of the wireless device forms the structured information, e.g. identity of the

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business, location of portal, and services available, and sends a message through the cellular subsystem to a database service system). McDonnell inherently has a “computer readable medium”, given that McDonnell shows a process that would be implemented by a processor that requires a “computer readable medium”, e.g. a RAM, to function.

But, McDonnell fails to particularly disclose wherein the at least one wireless short distance network communication signal is detected at a vehicle system module which includes software and hardware components for operating, controlling or monitoring one or more vehicle systems, and the vehicle system module coupled to a vehicle communication bus.

However, Fuchs teaches a method that integrates personal communications devices with a telematics device that is coupled to a vehicle system (i.e., vehicle system module) since there is an increasing demand for wireless subscribers to have access to information at any time and at any place and also the subscribers have the desire to be able to control mechanical and electronic devices of a vehicle through their subscriber's personal wireless device (paragraphs [0001]-[0003]). The telematics device is coupled to and integrated with the vehicle such as a car, bus, train, aircraft and the like, furthermore, includes a processor for processing algorithms stored in the memory (paragraph [0019]) and is coupled to a vehicle electrical bus to communicate and exchange data with at least one vehicle system (i.e. door-locking, comfort features, etc.) for controlling, operating, or configuring, communication status of at least one vehicle system. Also comprises a first wireless interface for communicating over a WAN network and a second wireless interface for communicating over a WLAN network (paragraph [0024]), and couples with a remote device (i.e. cellular phone, PDA, etc) and a communications node to integrate with a personal communications system (Fig. 1; paragraph [0018]).

Therefore, one of ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of McDonnell with the teachings of Fuchs for detecting and gathering information from beacons while a user is in a vehicle, since such a combination would provide the integration of personal wireless devices with a telematics and vehicle system so that the user can gather information about services at any time and at any place and furthermore, be able to control and monitor vehicle related features from their personal wireless devices (paragraphs [0001]-[0003]). Furthermore, one of ordinary skill in the art would recognize that the integration of the wireless device of McDonnell's invention with a vehicle would be advantageous, because the gathering of information at a vehicle wireless communication system would allow the user to travel to more geographical locations in a shorter amount of time (compared to walking), and collect more information from portals potentially resulting in more incentives for the user since the user gets rewarded by the amount of information collected and successfully entered to the database system (paragraph [0032]).

But, the combination of McDonnell and Fuchs does not expressly disclose wherein the computer readable code further comprises a computer readable code for detecting a wireless network information upload trigger; and computer readable code for initiating a wireless network information for initiating a wireless network information transmission to the service provider responsive to the detected wireless network information upload trigger.

However, transmitting information to the network in response to a network upload trigger is known in the art and Dutta is evidence of the fact.

Dutta teaches a system for backing up data from a wireless device onto a server (i.e., service provider) via a network. The backup server responsive to a determination that data from a

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wireless device should be backed up, initiates a back up process. The backup process includes pushing a request or command to the wireless device instructing the wireless device to transmit/upload data (i.e., network information upload trigger), such as, for example, calendars, address lists, phone books, notepad data, or any other types of data that may stored on the wireless device, to be backed up to the backup server. Then, the server receives the data from the wireless device and stores the data on a storage device connected to the network. Note that it is inherent that the wireless device initiates the transmission of the requested data in response to receiving or detecting the request to back up data. This implementation provides for the backup or upload of data periodically or occasionally such as updates to data may be backed up routinely, furthermore, the backup process is performed without notification of or action on the part of the user and may be performed during times when the wireless device is idle, providing an effortless mechanism for protecting information (Abstract; paragraphs [0007], [0031], [0043], and [0054]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to further include computer readable code for performing the features of communicating the generated information to the service provider in response to detecting a wireless information upload trigger and initiating a wireless information transmission to the service provider responsive to the detected wireless information upload trigger, as suggested by Dutta, since such a modification would provide the advantage of uploading the information to the network without user intervention, and to upload updates of the information routinely when receiving the upload request or trigger.

Regarding claim 12, the claim is rejected over the same reasons stated about claim 2, as it recites the same limitations of claim 2. See remarks about claim 2 above.

Regarding claim 13, the claim is rejected over the same reasons stated about claim 4, as it recites the same limitations of claim 4. See remarks about claim 4 above.

Regarding claim 14, the claim is rejected over the same reasons stated about claim 5, as it recites the same limitations of claim 5. See remarks about claim 5 above.

Regarding claim 15, the claim is rejected over the same reasons stated about claim 6, as it recites the same limitations of claim 6. See remarks about claim 6 above.

Regarding claim 16, the claim is rejected over the same reasons stated about claim 7, as it recites the same limitations of claim 7. See remarks about claim 7 above.

Regarding claim 18, the claim is rejected over the same reasons stated about claim 9, as it recites the same limitations of claim 9. See remarks about claim 9 above.

Regarding claim 19, the claim is rejected over the same reasons stated about claim 10; as it recites the same limitations of claim 10. See remarks about claim 10 above.

Regarding claim 20, McDonnell discloses a system for operating a telematics unit within a mobile vehicle, the system comprising:

means for detecting at least one wireless short-distance communication network identification signal (paragraph [0023]-[0024]; Short-range Wireless Transceiver);

means for generating wireless network information based on the at least one detected wireless network identification signals (paragraph [0028] lines 1-17; Gatherer Program 26); and

means for communicating the generated wireless network information to a service provider (paragraph [0025] lines 1-6; Cellular Radio Subsystem 22).

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But, McDonnell fails to particularly disclose wherein the at least one wireless short distance network communication signal is detected at a vehicle system module which includes software and hardware components for operating, controlling or monitoring one or more vehicle systems, and the vehicle system module coupled to a vehicle communication bus.

However, Fuchs teaches a method that integrates personal communications devices with a telematics device that is coupled to a vehicle system (i.e., vehicle system module) since there is an increasing demand for wireless subscribers to have access to information at any time and at any place and also the subscribers have the desire to be able to control mechanical and electronic devices of a vehicle through their subscriber's personal wireless device (paragraphs [0001]-[0003]). The telematics device is coupled to and integrated with the vehicle such as a car, bus, train, aircraft and the like, furthermore, includes a processor for processing algorithms stored in the memory (p.0019) and is coupled to a vehicle electrical bus to communicate and exchange data with at least one vehicle system (i.e. door-locking, comfort features, etc.) for controlling, operating, or configuring, communication status of at least one vehicle system. Also comprises a first wireless interface for communicating over a WAN network and a second wireless interface for communicating over a WLAN network (paragraph [0024]), and couples with a remote device (i.e. cellular phone, PDA, etc) and a communications node to integrate with a personal communications system (Fig. 1; paragraph [0018]).

Therefore, one of ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of McDonnell with the teachings of Fuchs for detecting and gathering information from beacons while a user is in a vehicle, since such a combination would provide the integration of personal wireless devices with a telematics and vehicle system so that

the user can gather information about services at any time and at any place and furthermore, be able to control and monitor vehicle related features from their personal wireless devices (paragraphs [0001]-[0003]). Furthermore, one of ordinary skill in the art would recognize that the integration of the wireless device of McDonnell's invention with a vehicle would be advantageous, because the gathering of information at a vehicle wireless communication system would allow the user to travel to more geographical locations in a shorter amount of time (compared to walking), and collect more information from portals potentially resulting in more incentives for the user since the user gets rewarded by the amount of information collected and successfully entered to the database system (paragraph [0032]).

But, the combination of McDonnell and Fuchs does not expressly disclose wherein the means for communicating the generated wireless network information includes means for detecting a wireless network information upload trigger and means for initiating a wireless network information transmission to the service provider responsive to the detected wireless network information upload trigger.

However, transmitting information to the network in response to a network upload trigger is known in the art and Dutta is evidence of the fact.

Dutta teaches a system for backing up data from a wireless device onto a server (i.e., service provider) via a network. The backup server responsive to a determination that data from a wireless device should be backed up, initiates a back up process. The backup process includes pushing a request or command to the wireless device instructing the wireless device to transmit/upload data (i.e., network information upload trigger), such as, for example, calendars, address lists, phone books, notepad data, or any other types of data that may stored on the

wireless device, to be backed up to the backup server. Then, the server receives the data from the wireless device and stores the data on a storage device connected to the network. Note that it is inherent that the wireless device initiates the transmission of the requested data in response to receiving or detecting the request to back up data. This implementation provides for the backup or upload of data periodically or occasionally such as updates to data may be backed up routinely, furthermore, the backup process is performed without notification of or action on the part of the user and may be performed during times when the wireless device is idle, providing an effortless mechanism for protecting information (Abstract; paragraphs [0007], [0031], [0043], and [0054]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to further include means for performing the features of communicating the generated information to the service provider in response to detecting a wireless information upload trigger and initiating a wireless information transmission to the service provider responsive to the detected wireless information upload trigger, as suggested by Dutta, since such a modification would provide the advantage of uploading the information to the network without user intervention, and to upload updates of the information routinely when receiving the upload request or trigger.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m. If attempts

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to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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